

Wetlands Bureau Decision Report

Decisions Taken
12/19/2005 to 12/25/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

UNKNOWN

2005-02317 NEWINGTON, TOWN OF
NEWINGTON Unnamed Stream

Requested Action:

Retain a total of 200 sq. ft. of freshwater wetland impacts for the removal of a deteriorated 36 in. culvert and replace with two 24 in. culverts under Airport Road. This project was authorized by DES as an Emergency Authorization on October 14, 2005.

APPROVE AFTER THE FACT:

Retain a total of 200 sq. ft. of freshwater wetland impacts for the removal of a deteriorated 36 in. culvert and replace with two 24 in. culverts under Airport Road. This project was authorized by DES as an Emergency Authorization on October 14, 2005.

With Conditions:

1. The work shall be in accordance with plans by Altus Engineering, Inc., as received by the Department on December 8, 2005.
2. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Wt 303.04.
2. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.
3. This work was completed under a DES Emergency Authorization due to the immediate danger of roadway failure at this location.

MAJOR IMPACT PROJECT

2005-01794 AHN, NORMAN
ALTON Lake Winnepesaukee

Requested Action:

Modify existing breakwater by moving a 8 linear ft part southerly 3 degrees, and convert southerly 6 ft x 30 ft piling pier to be supported by two 6 ft x 6 ft cribs and install a 24 ft x 30 ft seasonal canopy over the middle slip on 292 ft of frontage in Alton on Lake Winnepesaukee.

Inspection Date: 10/24/2005 by Chris T Brison

APPROVE PERMIT:

Modify existing breakwater by moving a 8 linear ft part southerly 3 degrees, and convert southerly 6 ft x 30 ft piling pier to be supported by two 6 ft x 6 ft cribs and install a 24 ft x 30 ft seasonal canopy over the middle slip on 292 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction as received by the Department on December 2, 2005.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
4. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
5. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
6. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
7. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
8. The breakwater shall have an irregular face to dissipate wave energy.
9. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
12. Existing breakwater rocks shall be used for the new breakwater configuration, no new fill shall be permitted for the breakwater.
13. Rocks shall not be stockpiled in jurisdiction.
14. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
15. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
16. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
17. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
18. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
19. The minimum clear spacing between cribs shall be 12 feet.
20. Seasonal canopy shall be removed for 4 months during the nonboating season.
21. Seasonal canopy shall not exceed 20 ft in height.
22. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d), modification of any dock adjacent or attached to a breakwater.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 24, 2005. Field inspection determined proposed project to move end of the breakwater is worth trying.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

-Send to Governor and Executive Council-

Requested Action:

Construct a 6 ft by 42 ft 10 in permanent crib supported dock on an average of 614 ft of frontage providing two boatslips on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com has no comments or concerns

APPROVE PERMIT:

Construct a 6 ft by 42 ft 10 in permanent crib supported dock on an average of 614 ft of frontage providing two boatslips on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design dated August 19, 2005, as received by the Department on October 4, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The dock shall not extend more than 42 ft 10 in ft lakeward at full lake elevation of 504.32.
9. The minimum clear spacing between piles shall be 12 feet.
10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 614 feet of frontage along Lake Winnepesaukee.
3. A maximum of 9 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
4. The proposed docking facility in combination with the previously permitted 3 slip docking structure on the frontage will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on May 5, 2005, for file #2004-3006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2000-01648 HANOVER, TOWN OF
HANOVER Mink Brook

Requested Action:

Request for permit amendment to extend permit expiration date one year to allow for the completion of the replacement of twin

multi-plate culverts with a pre-cast concrete (CONSPAN) arch culvert at bridge 122/083, beneath Ruddsboro Road.

Conservation Commission/Staff Comments:

No comments received from the Hanover Conservation Commission (ConCom) regarding the proposed permit amendment.

In a letter dated August 24, 2000, the Hanover ConCom states that they are in support the project as long as erosion controls are installed as needed.

APPROVE AMENDMENT:

Request for permit amendment to extend permit expiration date one year to allow for the completion of the replacement of twin multi-plate culverts with a pre-cast concrete (CONSPAN) arch culvert at bridge 122/083, beneath Ruddsboro Road.

With Conditions:

1. All work shall be in accordance with the following plans by Concrete Systems, Inc.:

a) Plans entitled "Ruddsboro Road Over Mink Brook (124/084)" (Sheets C/S1 - C/S4) dated June 3, 2003, as received by the Department on March 29, 2004; and

b) Plans entitled "Ruddsboro Road Over Mink Brook (122/083)" (Sheets C/S1 - C/S4) dated August 12, 2003, as received by the Department on March 4, 2004.

2. Work shall be conducted during low flow conditions.

3. Mechanized equipment shall not enter Mink Brook.

4. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.

7. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

8. Temporary cofferdams shall be entirely removed immediately following construction.

9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

10. Disturbed stream banks shall be restored to original contours and to a stable condition within three days of completion of construction. 11. Precautions shall be taken within riparian areas to limit disturbance of vegetation. In areas where vegetation has been cleared or otherwise disturbed as part of construction activities, native shrub and tree species shall be planted prior to the end of the growing season.

12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters.

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. On September 28, 2000 the NHDES Wetlands Bureau issued Wetlands and Non-Site Specific Permit No. 2000-01648 authorizing permanent and temporary impacts to the bed of Mink Brook associated with sliplining four twin multi-plate culverts beneath Ruddsboro Road, identified as bridges 122/083, 124/084, 130/086, and 133/089. 2. On March 30, 2004 the NHDES Wetlands Bureau issued a permit amendment of Wetlands and Non-Site Specific Permit No. 2000-01648 to replace the two twin multi-plate culverts, identified as bridges 122/083 and 124/084, with pre-cast concrete (CONSPAN) arch culverts.

3. In a letter to the NHDES Wetlands Bureau dated November 23, 2005, the applicant (Town of Hanover) indicated that due to a lack of funding bridge 122/083 was unable to be completed within the permit expiration date, September 28, 2005. As a result, the applicant requested an amendment of Wetlands and Non-Site Specific Permit No. 2000-01648 to extend the permit expiration date one year in order to complete the replacement of the twin multi-plate culverts, at bridge 122/083, with a pre-cast concrete

(CONSPAN) arch culvert.

4. Bridge 122/083 is an important part of the Town of Hanover's infrastructure; therefore completion of the proposed bridge replacement is necessary for public safety.

5. Replacement of the corrugated multi-plate culverts with the proposed arch culvert will return the stream bed to a more natural condition.

2005-00787 PALMATUM ASSOCIATES LLC
HOOKSETT Unnamed Wetland

Requested Action:

Dredge and fill 3,150 square feet of wetlands for access and lot development of a landscape business.

Conservation Commission/Staff Comments:

Conservation Commission did not report.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 3,150 square feet of wetlands for access and lot development of a landscape business.

With Findings:

1. A request for additional information dated 7/11/2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The date of the expiration of the 120 days was 11/11/2005.
3. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-00946 ZIMMERMAN, GREGOR
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill 15,476 square feet of palustrine emergent wetlands and approximately 120 linear feet of intermittent stream, to construct a wildlife pond.

Conservation Commission/Staff Comments:

Conservation Commission recommends approval.

APPROVE PERMIT:

Dredge and fill 15,476 square feet of palustrine emergent wetlands and approximately 120 linear feet of intermittent stream, to construct a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 14, 2005, as received by the Department on May 10, 2005.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Silt fencing must be removed once the area is stabilized.
11. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving alteration of less than 20,000 square feet in the aggregate of non-tidal wetlands, and per Wt 303.03(l) projects which disturb less than 200 linear feet of an intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. Addition of an open water feature will add diversity to this wetland system, enhancing wildlife and recreational use of the area.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01289 PRESTON, MARGARET
EPPING Unnamed Wetland

Requested Action:

Dredge and fill a total of 8,200 square feet of wetlands to install two roadway crossings for a 40-lot subdivision on 110 acres, including 1,800 square feet of impact to install an 8' x 8' x 36' box culvert with light penetration catch basins; and 6,400 square feet of impact to install a 20' x 36' arch culvert at the crossing of Rum Brook.

Conservation Commission/Staff Comments:

Conservation Commission intervened; no further report.

APPROVE PERMIT:

Dredge and fill a total of 8,200 square feet of wetlands to install two roadway crossings for a 40-lot subdivision on 110 acres, including 1,800 square feet of impact to install an 8' x 8' x 36' box culvert with light penetration catch basins; and 6,400 square feet of impact to install a 20' x 36' arch culvert at the crossing of Rum Brook.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. entitled "Plan and Profile, Drawing P-2, Morgan Farms Subdivision", dated 3/25/2005, as received by the Department on 6/8/2005; and per revised plans by Jones & Beach Engineers, Inc. entitled "Plan and Profile, Drawing P-1, Morgan Farms Subdivision", dated 8/11/2005, as received by the Department on 8/18/2005
2. This permit is contingent on the approval and conditions of the NPDES permit.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations

which involve perennial streams.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

12. Silt fencing must be removed once the area is stabilized.

13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

17. Proper headwalls shall be constructed within seven days of culvert installation.

18. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

20. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of non-tidal wetlands in the aggregate which exceed Wt 303.04(f); and per Wt 303.03(l), projects that alter less than 200 linear ft. of a non-tidal intermittent or perennial stream.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant must cross wetlands at some locations on the property to reach buildable uplands.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant is upgrading existing crossings, and installing crossing devices of a size and design that minimize impacts to the stream and aquatic species passage.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The applicant has coordinated with NH Fish & Game Department with respect to the project's impact on Blandings turtles and wood turtles, and has responded to NHFG's satisfaction by designing catch basin openings in the crossing structure at crossing #1 to allow light penetration into the interior of the box culvert.

5. Pursuant to Wt 302.03(c), the amount of wetlands impact associated with this project does not require the applicant to provide compensatory mitigation.

2005-01324 AKWA MARINA YACHT CLUB LLC
LACONIA Lake Winnepesaukee

Requested Action:

After the fact, remove old deteriorated pavement and replace with new pavement with a granite slab detainment lakeward of the pavement and replenish a 430 sq ft beach with 12 cu yd of sand.

APPROVE PERMIT:

After the fact, remove old deteriorated pavement and replace with new pavement with a granite slab detainment lakeward of the pavement and replenish a 430 sq ft beach with 12 cu yd of sand.

With Conditions:

1. All work shall be in accordance with plans by Geo Insight dated December 2, 2005, as received by the Department on December 5, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Repair shall maintain existing size, location and configuration.
4. No more than 12 cu yd of sand may be used and all sand shall be located above the normal high water line.
5. This permit does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(f), construction of a beach exceeding more than 10 cu yd but no more than 20 cu yd.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 23, 2004. Field inspection determined that a beach was constructed and area was repaved without a permit and that it can be resolved with an after-the-fact permit.

2005-01453 LEE, NORMAN & LILLIAN
FREEDOM Lake Ossipee

Requested Action:

Maintain the nonconforming primary structure's setback at 17 feet from the reference line, increase the ridgeline height from 15 feet to 17 feet, and maintain the nonconforming primary structure's footprint at 337 square feet.

Inspection Date: 11/21/2005 by Heather S Dionne

APPROVE CSPA WAIVER:

Maintain the nonconforming primary structure's setback at 17 feet from the reference line, increase the ridgeline height from 15 feet to 17 feet, and maintain the nonconforming primary structure's footprint at 337 square feet.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on November 7, 2005 and on November 22, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding

properties. Planting invasive or exotic species is strictly prohibited.

5. This approval does not allow lakeward expansion of the primary structure.
6. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Ossipee Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The Subsurface Systems Bureau has approved the system for the property on September 8, 2005, in accordance with approval number CA2005075327.
4. The applicant has proposed to remove impervious surface and install native plantings, therefore meeting the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2005-01813 AUSTIN, REBECCA & CHRIS CROWE
LISBON Unnamed Stream

Requested Action:

Dredge and fill 1050 square feet of wetlands (50 linear feet of intermittent stream) for access to a 4 lot subdivision.

APPROVE PERMIT:

Dredge and fill 1050 square feet of wetlands (50 linear feet of intermittent stream) for access to a 4 lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Engineers dated September 22, 2005 revised through October 14, 2005, as received by the Department on December 2, 2005 and plans dated September 22, 2005 revised through December 14, 2005, as received by the Department on December 14, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done in dry conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), projects that alter the course or disturb less than 50 linear feet of intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02082 LEVESQUE, CHRISTOPHER
MADBURY Unnamed Wetland

Requested Action:

Dredge and fill 3,508 square feet of wetlands and install a 15" x 24' culvert for a driveway crossing to a single family house lot on 14 acres.

Conservation Commission/Staff Comments:

Conservation Commission reported application deficiencies which have been corrected by the applicant.

APPROVE PERMIT:

Dredge and fill 3,508 square feet of wetlands and install a 15" x 24' culvert for a driveway crossing to a single family house lot on 14 acres.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering LLC dated August 19,2005, as received by the Department on September 2, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.
10. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving alteration of less than 20,000 feet in the aggregate of non-tidal wetlands that exceed the criteria of Wt 303.04(f), minimum impact projects.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. Wetlands must be crossed at some location to access buildable uplands on this lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The driveway crosses at the narrowest location.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The applicant has identified the wetlands on the property, and provided response to the requirements listed Wt 302.04(a) in correspondence from West Environmental Inc. dated 11/29/2005 as received by DES on 11/30/2005.

MINIMUM IMPACT PROJECT

2005-00485 OLD FARM GOLF COURSE LLC, AUBREY BARRETT
MILFORD Unnamed Wetland Tucker Brook

Requested Action:

Install seven wooden pole and plank bridges over Tucker Brook wetlands and floodplain swales for expansion of golf course cart path.

Conservation Commission/Staff Comments:

Conservation Commission and Souhegan River Local Advisory Committee both submitted comments.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Install seven wooden pole and plank bridges over Tucker Brook wetlands and floodplain swales for expansion of golf course cart path.

With Findings:

1. A request for additional information dated March 31, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The 120 day period expired on July 31, 2005.
3. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-00599 MILTON, TOWN OF
MILTON Unnamed Stream

Requested Action:

Dredge and fill 220 square feet (undetermined distance of linear feet) of perennial stream to install a headwall and outlet.

Conservation Commission/Staff Comments:

Conservation Commission reported "no comments".

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 220 square feet (undetermined distance of linear feet) of perennial stream to install a headwall and outlet.

With Findings:

1. A request for additional information dated 6/15/2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The the 120 day response period expired on 10/15/2005.
3. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-02094 SANBORN, JOHN
HAMPTON FALLS Unnamed Wetland

Requested Action:

Impact 1,613 square feet of forested wetland for the installation of two (2) 15-inch culverts and associated headwalls to access the buildable portion of uplands for a single family residential lot on 32.40 acres.

Conservation Commission/Staff Comments:

The Hampton Falls Conservation Commission did not comment on the project.

APPROVE PERMIT:

Impact 1,613 square feet of forested wetland for the installation of two (2) 15-inch culverts and associated headwalls to access the buildable portion of uplands for a single family residential lot on 32.40 acres.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated August 25, 2005 and revised through October 25, 2005, as received by the Department on November 14, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during no flow conditions.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Culverts shall be laid at grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the impacts are necessary to access buildable upland.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as headwalls will be used to minimize the impacts to the furthest extent practicable.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2005-02971 MEADOWSEND SAWMILL
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Greentree Forest

2005-02972 SPNHF
CORNISH Unnamed Stream

COMPLETE NOTIFICATION:
Cornish Tax Map 9, Lot# 8

EXPEDITED MINIMUM

2005-01905 BARTLETT, ROBERT
HAVERHILL Unnamed Stream

Requested Action:

Dredge and fill a total of 200 square feet of jurisdictional wetlands and 50 linear feet of intermittent stream for culvert repair and replacement and driveway access and temporarily impact 50 square feet of wetlands along 25 linear feet of intermittent stream for culvert sediment and debris removal.

APPROVE PERMIT:

Dredge and fill a total of 200 square feet of jurisdictional wetlands and 50 linear feet of intermittent stream for culvert repair and replacement and driveway access and temporarily impact 50 square feet of wetlands along 25 linear feet of intermittent stream for culvert sediment and debris removal.

With Conditions:

1. All work shall be in accordance with plans by Robert Bartlett as received by the Department on December 8, 2005.
2. Work shall be done in dry conditions.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The Haverhill Conservation Commission conducted a site visit on November 21, 2005 and concluded information submitted by the applicant was accurate with exception to the number of existing culverts. There is an existing stone culvert at crossing #1 and an existing metal culvert at crossing #3.
5. The Haverhill Conservation Commission and Town of Haverhill Road Agent recommended approval for the proposed work.
6. Proposed crossing upgrades will improve road safety conditions.
7. Proposed crossing upgrades will benefit impacted resources by decreasing sedimentation.

2005-02321 MORRISSETTE 2000 TRUST, LISA
LACONIA Lake Winnepesaukee

Requested Action:

Applicant proposes to construct a 888 sqft perched beach impacting 30 linear ft of shoreline on Lake Winnisquam, Laconia.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

DENY PERMIT:

Applicant proposes to construct a 888 sqft perched beach impacting 30 linear ft of shoreline on Lake Winnisquam, Laconia.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
3. In accordance with Rule Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
4. In accordance with RSA 483-B:3, Consistency Required, all state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter.
5. In accordance with Env-Ws 1405.05, Slope Limitation for Accessory Structures, no accessory structure shall be built on land having greater than 25% slope.
6. Pursuant to RSA 483-B:4 II. "Accessory structure" means a structure, as defined in paragraph XXII of this section, on the same lot and customarily incidental and subordinate to the primary structure, as defined in paragraph XIV of this section; or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings.

Finding of Fact

7. On September 28, 2005, the Department received a Minimum Impact Expedited Application for impact on the lot identified as Laconia tax map 382, lot 199-9, Laconia (the "Lot") to dredge approximately 888 sq ft and impact approximately 30 linear ft of bank to construct a perched beach on Lake Winnisquam, Laconia.
8. On October 20, 2005, the Department received comments from the local Conservation Commission with concerns with the applicant proposal not being in compliance with local zoning for tree removal with the protected shoreline.
9. The original plans submitted with the application show a beach constructed in the bank on slopes greater than 25%.
10. On October 25, 2005, the Department sent a Notification of Incomplete Expedited Application letter to the applicant, the letter stated that the proposed beach construction within a slope of more than 25% was not approvable.
11. On November 28, 2005, the Department received a response to the Departments' letter dated October 25, 2005, the response included the same plans with the proposed perched beach located in a slope greater than 25%.
12. The perched beach as proposed would include excavation, grading, and filling of the applicant's shoreline and would create an "improved surface" and hence an "accessory structure" regulated under the Comprehensive Shoreland Protection Act.

Ruling in Support of the Decision

13. The proposed perched beach impacts a slope greater than 25% and therefore is not approvable pursuant to RSA 483-B.

2005-02598 MOREL, MARK
LANCASTER Unnamed Stream

Requested Action:

Dredge and fill 500 square feet of wetlands along 40 linear feet of intermittent stream to install a 24-inch x 40-foot corrugated culvert for access to a 14 lot subdivision.

APPROVE PERMIT:

Dredge and fill 500 square feet of wetlands along 40 linear feet of intermittent stream to install a 24-inch x 40-foot corrugated culvert for access to a 14 lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Vander-Heyden Land Surveying dated October 2005 and revised through November 30, 2005, as received by the Department on December 9, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done in dry conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. The intermittent stream crossing culvert shall be corrugated.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), projects that alter the course or disturb less than 50 linear feet of intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02740 PAOLINI BROTHERS DEVELOPMENT LLC
DOVER Unnamed Wetland

Requested Action:

Temporarily impact 145 sq. ft. of wetland for a sewer tie-in into an exiting sewer line to service a residential development.

Conservation Commission/Staff Comments:

Con. Com. signed Expedited Application.

APPROVE PERMIT:

Temporarily impact 145 sq. ft. of wetland for a sewer tie-in into an exiting sewer line to service a residential development.

With Conditions:

1. All work shall be in accordance with plans by McEneaney Survey Associates and Civilworks dated July 27, 2005 with revisions dated September 30, 2005, as received by the Department on November 14, 2005.
2. There shall be no further alteration to wetlands or surface waters without amendment of the wetlands permit.
3. Temporary work areas within wetlands shall be restored to original condition.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
netting and pinning on slopes steeper than 3:1.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.

2005-02742 PSNH
CENTER OSSIPEE Unnamed Wetland

Requested Action:

Dredge and fill a total of 300 sq. ft. of wetland for the installation of seven (7) single wood utility poles.

Conservation Commission/Staff Comments:
Con. Com. signed Expedited Application.

APPROVE PERMIT:

Dredge and fill a total of 300 sq. ft. of wetland for the installation of seven (7) single wood utility poles.

With Conditions:

1. All work shall be in accordance with plans by Public Service of New Hampshire, as received by the Department on November 15, 2005.
2. Work within wetlands shall be conducted during the winter months to minimize impacts to wetlands.
3. There shall be no further alteration to wetlands or surface waters without amendment of the wetlands permit.
4. Any temporary work areas within wetlands shall be restored to original condition.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
netting and pinning on slopes steeper than 3:1.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Silt fencing must be removed once the area is stabilized.

2005-02778 GRAY, ELIZABETH
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing 6 ft by 30 ft piling supported dock connected to a 6 ft by 30 ft piling supported dock by a 4 ft 7 in by 11 ft 11 in walkway in a "U" shaped configuration with two 3 piling ice clusters, construct a 14 ft by 30 ft seasonal canopy over the center slip on 281 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com did not sign the Exp Application
NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Repair an existing 6 ft by 30 ft piling supported dock connected to a 6 ft by 30 ft piling supported dock by a 4 ft 7 in by 11 ft 11 in walkway in a "U" shaped configuration with two 3 piling ice clusters, construct a 14 ft by 30 ft seasonal canopy over the center slip on 281 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 8, 2005, as received by the Department on November 23, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.

4. Repair shall maintain existing size, location and configuration.4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

8. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.

9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing docking structures.

2005-02830

CROWGER, RICHARD & JANET

MADISON Unnamed Stream

Requested Action:

Dredge and fill 1,376 square feet of wetlands along 30 linear feet of intermittent stream to install a 18-inch x 27-foot corrugated culvert for driveway access to a single family residence.

APPROVE PERMIT:

Dredge and fill 1,376 square feet of wetlands along 30 linear feet of intermittent stream to install a 18-inch x 27-foot corrugated culvert for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys, Inc. dated November 16, 2005 and revised through December 16, 2005, as received by the Department on December 19, 2005.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Work shall be done in dry conditions.

4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

7. Proper headwalls shall be constructed within seven days of culvert installation.

8. Culverts shall be laid at original grade.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a single family residence.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2005-02944 FRENETTE, ARTHUR
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2005-02945 FRENETTE, SHARON
(ALL TOWNS) Unnamed Wetland

Conservation Commission/Staff Comments:
cc: Bath Con Comm

APPROVE PERMIT:
Gold Dredge

LAKES-SEASONAL DOCK NOTIF

2005-02957 BERNSTEIN, ROBERT AND BARBARA
MOULTONBOROUGH Pickering Pond

COMPLETE NOTIFICATION:
Moultonborough - Tax Map# 25-1 Lot# None
Block# 25-1 Pickering Pond

2005-02982 NICKERSON, ERIC
WINDHAM Unnamed Wetland Canobie Lake

COMPLETE NOTIFICATION:
Windham NH Tax Map # 22 Lot # L Block # 79 Canobie Lake

SHORELAND VARIANCE / WAIV

2005-01261 CASELDEN, EDWARD
MEREDITH Lake Winnepesaukee

Requested Action:

Raze existing 27 ft x 30 ft nonconforming primary structure and replace with a nonconforming primary structure with a increased primary building setback from 33.53 ft to 34.53 to the reference line with a decreased footprint of 15 sq ft, and increase the ridgeline height from 17 ft 8 in to 32 ft 6 in.

Inspection Date: 06/07/2005 by Chris T Brison

APPROVE CSPA WAIVER:

Raze existing 27 ft x 30 ft nonconforming primary structure and replace with a nonconforming primary structure with a increased primary building setback from 33.53 ft to 34.53 to the reference line with a decreased footprint of 15 sq ft, and increase the ridgeline height from 17 ft 8 in to 32 ft 6 in.

With Conditions:

1. All work shall be conducted in accordance with proposed side profile plans as received by the department on August 31, 2005 and existing side profile plans and vegetation and mitigation plans dated November 28, 2005 as received by the Department on December 5, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. Vegetation plan shall be implemented during the next growing season subsequent to proposed primary structure construction.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. This approval does not allow lakeward expansion of the primary structure.
7. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to remove a nonconforming 16 ft x 25 ft patio within the 20 ft accessory structure setback to the reference line and stabilize with vegetation, remove a 4 ft x 10 ft shed and a 10 ft x 10 ft shed from poorly drained soils and plant shrub buffer adjacent to existing wetland and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2005-01556 GROLEAU, VICTOR
PEMBROKE Suncook River

Requested Action:

Remove existing 840 sq ft two floor nonconforming primary structure, with a 18 ft ridgeline height, 27 ft from the reference line and construct 722 sq ft of a single floor nonconforming structure, with a 15 ft ridgeline height, within 28 ft of the reference line.

Conservation Commission/Staff Comments:

Check Enforcement w/Jeff Belc #2003-2441- EMS

Inspection Date: 08/19/2005 by Chris T Brison

APPROVE CSPA WAIVER:

Remove existing 840 sq ft two floor nonconforming primary structure, with a 18 ft ridgeline height, 27 ft from the reference line and construct 722 sq ft of a single floor nonconforming structure, with a 15 ft ridgeline height, within 28 ft of the reference line.

With Conditions:

1. All work shall be conducted in accordance with revised plans dated September 1, 2005 as received by the department on November 23, 2005 and vegetation plans received November 23, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Planting plan shall be implemented during the next growing season subsequent to proposed house completion.
4. A report shall be submitted to the Wetlands Bureau on the survivability of all proposed plantings, one year after complete planting plan implementation.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
7. This approval does not allow lakeward expansion of the primary structure.
8. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
9. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Suncook River and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to decrease footprint 118 sq ft within the 50 ft setback, decrease the ridgeline height 4 ft for a single floor primary structure, increase the setback from the reference line from 27 to 28 ft and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2005-02253 STOCKS, JEAN
WHITEFIELD Forest Lake

Requested Action:

Maintain the nonconforming primary structure's setback at 18 feet, decrease the ridgeline height from 21 feet to 20 feet, and increase the nonconforming primary structure's footprint from 384 square feet to 440 square feet.

Inspection Date: 10/12/2005 by Heather S Dionne

APPROVE CSPA WAIVER:

Maintain the nonconforming primary structure's setback at 18 feet, decrease the ridgeline height from 21 feet to 20 feet, and increase the nonconforming primary structure's footprint from 384 square feet to 440 square feet.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on September 26, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. This approval does not allow lakeward expansion of the primary structure.
6. Before the proposed construction begins on the non-conforming residence, the applicant shall upgrade the existing septic system to the approved system number CA2005075191.
7. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Forest Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The Subsurface Systems Bureau has approved the system for the property on September 1, 2005, in accordance with approval number CA2005075191.
4. The applicant has proposed to upgrade the septic system and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2005-02594 BUCKNAM, LLC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Maintain the nonconforming primary structure's setback at 34 feet from the reference line, maintain the ridgeline height at 29 feet, and increase the nonconforming primary structure's footprint from 780 square feet to 1055 square feet.

Inspection Date: 11/21/2005 by Heather S Dionne

APPROVE CSPA WAIVER:

Maintain the nonconforming primary structure's setback at 34 feet from the reference line, maintain the ridgeline height at 29 feet, and increase the nonconforming primary structure's footprint from 780 square feet to 1055 square feet.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on October 20, 2005 and November 10, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. This approval does not allow lakeward expansion of the primary structure.
7. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
4. The applicant has proposed to file a restrictive covenant with the registry of deeds and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

ROADWAY MAINTENANCE NOTIF

2005-02958 NH DEPT OF TRANSPORTATION
FREEDOM Unnamed Wetland

COMPLETE NOTIFICATION:

Roadway- Roadside Ditch Maintenance-Freedom NH

2005-02979 NH DEPT OF TRANSPORTATION
EATON Unnamed Wetland

COMPLETE NOTIFICATION:

Eaton Tax map # R-4 Lot # 2 Perennial Stream
Replacing Culvert

PERMIT BY NOTIFICATION

2004-03022 MARTELL, IRENE/TERRY
WAKEFIELD Lovell Lake

2005-02947 EBELING TRUST, JUDITH
GILFORD Lake Winnepesaukee

Requested Action:

Repair/Replace 105 linear ft of retaining wall on 101 ft of frontage in Gilford on Lake Winnepesaukee.

PBN IS COMPLETE:

Repair/Replace 105 linear ft of retaining wall on 101 ft of frontage in Gilford on Lake Winnepesaukee.

With Findings:

1. Qualifies as PBN under Administrative Rule Wt 506.01 (a)(1) repair or replacement of an existing retaining wall that meets the criteria in Wt 303.04(l)